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### SUBCHAPTER I—GENERAL PROVISIONS

#### § 2551. Congressional statement of purpose

An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this chapter to provide impetus toward this goal by addressing the problem of reduction and control of armaments looking toward ultimate world disarmament.

The Secretary of State must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control, nonproliferation, and disarmament policy must be based. The Secretary shall have the authority, under the direction of the President, to carry out the following primary functions:

- (1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control, nonproliferation, and disarmament field.
- (2) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.
- (3) The preparation for, operation of, or direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.
- (4) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.

(Pub. L. 87-297, title I, §102, formerly §2, Sept. 26, 1961, 75 Stat. 631; Pub. L. 94-141, title I, §144,

Nov. 29, 1975, 89 Stat. 758; Pub. L. 103-236, title VII, §§ 703, 719(a), Apr. 30, 1994, 108 Stat. 491, 501; renumbered § 102 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(1), (21), Oct. 21, 1998, 112 Stat. 2681-768, 2681-772.)

#### AMENDMENTS

1998—Pub. L. 105-277, § 1223(1)(A), in first undesignated par., substituted “addressing” for “creating a new agency of peace to deal with”.

Pub. L. 105-277, § 1223(1)(B), struck out second undesignated par. which read as follows: “Arms control, nonproliferation, and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control, nonproliferation, and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control, nonproliferation, and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.”

Pub. L. 105-277, § 1223(1)(C), in last undesignated par., in introductory provisions, substituted “The Secretary of State” for “This organization”, substituted “The Secretary shall have” for “It shall have”, and struck out “and the Secretary of State” after “the President”, in subpar. (1) inserted “, nonproliferation,” after “arms control”, redesignated subpar. (3) as (2) and struck out former subpar. (2) which read as follows: “When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.”, redesignated subpar. (4) as (3) and struck out “, as appropriate,” before “direction of”, and redesignated subpar. (5) as (4).

1994—Pub. L. 103-236, § 719(a), inserted “, nonproliferation,” after “Arms control” in second undesignated par. and after “arms control” wherever appearing in second and third undesignated pars.

Pub. L. 103-236, § 703, substituted subpars. (1) to (5) for former subpars. (a) to (d) which read as follows:

“(a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

“(b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

“(c) The dissemination and coordination of public information concerning arms control and disarmament; and

“(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.”

1975—Pub. L. 94-141 substituted “It shall have the authority, under the direction of the President and the Secretary of State,” for “It must be able”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XI, § 1101], Nov. 29, 1999, 113 Stat. 1536, 1501A-485, provided that: “This title [enacting sections 2652c and 2797b-2 of this title and section 1526 of Title 50, War and National Defense, amending sections 2577, 2593a, 2797b, 2797b-1, 2797c, and 3282 of this title, enacting provisions set out as notes under sections 2593a, 2652c, 3282, 5601, 5853, and

6723 of this title and section 7704 of Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 2155 of Title 42] may be cited as the ‘Arms Control and Nonproliferation Act of 1999’.”

#### SHORT TITLE OF 1994 AMENDMENT

Section 701(a) of Pub. L. 103-236 provided that: “This part [part A (§§ 701-719) of title VII of Pub. L. 103-236, enacting sections 2578 and 2593a to 2593d of this title, amending this section, sections 2562, 2565 to 2568, 2571, 2573 to 2577, 2579, 2581, 2585, 2591, 2593, 2791, 2797, and 2797b of this title, section 5315 of Title 5, Government Organization and Employees, and section 2139a of Title 42, The Public Health and Welfare, repealing sections 2578, 2589, 2590, and 2592 of this title, enacting provisions set out as notes under this section, and repealing provisions set out as notes under this section] may be cited as the ‘Arms Control and Nonproliferation Act of 1994’.”

#### SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-216, § 1, Dec. 11, 1989, 103 Stat. 1853, provided that: “This Act [enacting sections 2577a and 2595 to 2595c of this title, amending sections 2563, 2567, 2588, and 2589 of this title, and enacting provisions set out as notes under sections 2565 and 2567 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1989’.”

#### SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-213, § 1, Dec. 24, 1987, 101 Stat. 1444, provided that: “This Act [enacting sections 2578, 2579, and 2593 of this title, amending sections 2589 and 2592 of this title, and enacting provisions set out as a note under section 2578 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1987’.”

#### SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-339, § 1, Oct. 15, 1982, 96 Stat. 1635, provided: “That this Act [amending sections 2571, 2585, and 2589 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1982’.”

#### SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-108, § 1, Aug. 17, 1977, 91 Stat. 871, provided that: “This Act [enacting sections 2567 and 2577 of this title and amending sections 2571, 2581, and 2589 of this title and section 5315 of Title 5, Government Organization and Employees] may be cited as the ‘Arms Control and Disarmament Act Amendments of 1977’.”

#### SHORT TITLE

Pub. L. 87-297, title I, § 101, formerly § 1, Sept. 26, 1961, 75 Stat. 631, as renumbered § 101 by Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(21), Oct. 21, 1998, 112 Stat. 2681-772, provided that: “This Act [enacting this chapter] may be cited as the ‘Arms Control and Disarmament Act’.”

#### INTERNATIONAL ARMS SALES CODE OF CONDUCT

Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XII, subtitle F], Nov. 29, 1999, 113 Stat. 1536, 1501A-508, provided that:

“SEC. 1261. SHORT TITLE.

“This subtitle may be cited as the ‘International Arms Sales Code of Conduct Act of 1999’.

“SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CONDUCT.

“(a) NEGOTIATIONS.—The President shall attempt to achieve the foreign policy goal of an international arms sales code of conduct. The President shall take the necessary steps to begin negotiations within appropriate international fora not later than 120 days after the date of the enactment of this Act [Nov. 29, 1999]. The purpose of these negotiations shall be to establish an international regime to promote global transparency with respect to arms transfers, including par-

ticipation by countries in the United Nations Register of Conventional Arms, and to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability.

“(b) CRITERIA.—The President shall consider the following criteria in the negotiations referred to in subsection (a):

“(1) PROMOTES DEMOCRACY.—The government of the country—

“(A) was chosen by and permits free and fair elections;

“(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

“(C) promotes the rule of law and provides its nationals the same rights that they would be afforded under the United States Constitution if they were United States citizens; and

“(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

“(2) RESPECTS HUMAN RIGHTS.—The government of the country—

“(A) does not persistently engage in gross violations of internationally recognized human rights, including—

“(i) extrajudicial or arbitrary executions;

“(ii) disappearances;

“(iii) torture or severe mistreatment;

“(iv) prolonged arbitrary imprisonment;

“(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

“(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal armed conflicts;

“(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

“(C) permits access on a regular basis to political prisoners by international humanitarian organizations;

“(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

“(E) does not impede the free functioning of domestic and international human rights organizations; and

“(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

“(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—The government of the country is not engaged in acts of armed aggression in violation of international law.

“(4) NOT SUPPORTING TERRORISM.—The government of the country does not provide support for international terrorism.

“(5) NOT CONTRIBUTING TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—The government of the country does not contribute to the proliferation of weapons of mass destruction.

“(6) REGIONAL LOCATION OF COUNTRY.—The country is not located in a region in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

“(c) REPORTS TO CONGRESS.—

“(1) REPORT RELATING TO NEGOTIATIONS.—Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made during these negotiations.

“(2) HUMAN RIGHTS REPORTS.—In the report required in sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(b) and 2304(b)), the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1)(A) and (2) of subsection (a).”

#### CONGRESSIONAL DECLARATIONS; PURPOSES OF 1994 AMENDMENT

Section 702 of Pub. L. 103-236 stated congressional declarations and purposes of amendments by part A of title VII of Pub. L. 103-236 (see Short Title of 1994 Amendment note above) to strengthen United States Arms Control and Disarmament Agency, and to improve congressional oversight of arms control, non-proliferation, and disarmament activities of United States Arms Control and Disarmament Agency, and of Agency's operating budget.

#### REPORT ON REVITALIZATION OF ACDA

Section 717(b) of Pub. L. 103-236 provided that not later than Dec. 31, 1995, Director of United States Arms Control and Disarmament Agency was to submit to Congress a detailed report describing actions undertaken to revitalize United States Arms Control and Disarmament Agency.

#### SOVIET WEAPONS DESTRUCTION

Pub. L. 102-228, title II, Dec. 12, 1991, 105 Stat. 1693, as amended by Pub. L. 102-484, div. A, title XIV, § 1421(a)(2), (3), Oct. 23, 1992, 106 Stat. 2565; Pub. L. 103-236, title I, § 139(17), Apr. 30, 1994, 108 Stat. 398; Pub. L. 104-106, div. A, title XII, § 1204, Feb. 10, 1996, 110 Stat. 470, provided that:

#### “PART A—SHORT TITLE

“SEC. 201. SHORT TITLE.

“This title may be cited as the ‘Soviet Nuclear Threat Reduction Act of 1991’.”

#### “PART B—FINDINGS AND PROGRAM AUTHORITY

“SEC. 211. NATIONAL DEFENSE AND SOVIET WEAPONS DESTRUCTION.

“(a) FINDINGS.—The Congress finds—

“(1) that Soviet President Gorbachev has requested Western help in dismantling nuclear weapons, and President Bush has proposed United States cooperation on the storage, transportation, dismantling, and destruction of Soviet nuclear weapons;

“(2) that the profound changes underway in the Soviet Union pose three types of danger to nuclear safety and stability, as follows: (A) ultimate disposition of nuclear weapons among the Soviet Union, its republics, and any successor entities that is not conducive to weapons safety or to international stability; (B) seizure, theft, sale, or use of nuclear weapons or components; and (C) transfers of weapons, weapons components, or weapons know-how outside of the territory of the Soviet Union, its republics, and any successor entities, that contribute to worldwide proliferation; and

“(3) that it is in the national security interests of the United States (A) to facilitate on a priority basis the transportation, storage, safeguarding, and destruction of nuclear and other weapons in the Soviet Union, its republics, and any successor entities, and (B) to assist in the prevention of weapons proliferation.

“(b) EXCLUSIONS.—United States assistance in destroying nuclear and other weapons under this title may not be provided to the Soviet Union, any of its republics, or any successor entity unless the President certifies to the Congress that the proposed recipient is committed to—

“(1) making a substantial investment of its resources for dismantling or destroying such weapons;

“(2) forgoing any military modernization program that exceeds legitimate defense requirements and for-

going the replacement of destroyed weapons of mass destruction;

“(3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;

“(4) facilitating United States verification of weapons destruction carried out under section 212;

“(5) complying with all relevant arms control agreements; and

“(6) observing internationally recognized human rights, including the protection of minorities.

“(c) As part of a transmission to Congress under subsection (b) of a certification that a proposed recipient of United States assistance under this title is committed to carrying out the matters specified in each of paragraphs (1) through (6) of that subsection, the President shall include a statement setting forth, in unclassified form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, as to whether that proposed recipient is at that time in fact carrying out the matter specified in that paragraph.

#### “SEC. 212. AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.

“(a) IN GENERAL.—Notwithstanding any other provision of law, the President, consistent with the findings stated in section 211, may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.

“(b) TYPE OF PROGRAM.—The program under this section shall be limited to cooperation among the United States, the Soviet Union, its republics, and any successor entities to (1) destroy nuclear weapons, chemical weapons, and other weapons, (2) transport, store, disable, and safeguard weapons in connection with their destruction, and (3) establish verifiable safeguards against the proliferation of such weapons. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

#### “PART C—ADMINISTRATIVE AND FUNDING AUTHORITIES

#### “SEC. 221. ADMINISTRATION OF NUCLEAR THREAT REDUCTION PROGRAMS.

“(a) FUNDING.—

“(1) TRANSFER AUTHORITY.—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal years 1992 and 1993 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed \$800,000,000 for use in reducing the Soviet military threat under part B.

“(2) LIMITATION.—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense determines essential for the readiness of the Armed Forces, including amounts for—

“(A) training activities; and

“(B) depot maintenance activities.

“(b) DEPARTMENT OF DEFENSE.—The Department of Defense shall serve as the executive agent for any program established under part B.

“(c) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

“(d) CHARGES AGAINST FUNDS.—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in provid-

ing assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (a) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

“(e) DETERMINATION BY DIRECTOR OF OMB.—No amount may be obligated for the program under part B for fiscal year 1992 or fiscal year 1993 unless expenditures for that program for that fiscal year have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 665(a)(2)]) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

#### “SEC. 222. REPAYMENT ARRANGEMENTS.

“(a) REIMBURSEMENT ARRANGEMENTS.—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

“(b) NATURAL RESOURCES, ETC.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

#### “SEC. 223. DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

“It is the sense of the Senate that the committee of conference on House Joint Resolution 157 [enacted into law as Pub. L. 102-229] should consider providing the necessary authority in the conference agreement for the President to transfer funds pursuant to this title.

#### “PART D—REPORTING REQUIREMENTS

#### “SEC. 231. PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.

“Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

“(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

“(2) the activities and forms of assistance under part B for which the President plans to obligate such funds.”

[Memorandum of President of the United States, May 10, 1996, 61 F.R. 26033, delegated to Secretary of State authority and duty of President under section 211(c) of Pub. L. 102-228 set out above.]

#### REPORT ON FULFILLMENT OF PRIMARY FUNCTIONS

Pub. L. 102-228, title IV, § 401(c), Dec. 12, 1991, 105 Stat. 1699, directed Inspector General of Arms Control and Disarmament Agency to submit, not later than Dec. 15, 1992, to President, Speaker of House of Representatives, and chairman of Committee on Foreign Relations of Senate a report on Agency's fulfillment of primary functions described in section 2551 of this title and directed President to submit comments on any recommendations contained in the report dealing with executive branch organization and direction, prior to repeal by Pub. L. 103-236, title I, § 139(18), Apr. 30, 1994, 108 Stat. 398.

## CONVENTIONAL ARMS TRADE

Pub. L. 93-559, §51, Dec. 30, 1974, 88 Stat. 1817, as amended by Pub. L. 97-113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560, provided that:

“(a) It is the sense of the Congress that the recent growth in international transfers of conventional arms to developing nations—

“(1) is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations, and diverts scarce world resources from more peaceful uses; and

“(2) could be controlled progressively through negotiations and agreements among supplier and recipient nations.

“(b) Therefore, the President is urged to propose to the Geneva Conference of the Committee on Disarmament that it consider as a high priority agenda item discussions among participating nations of that Conference for the purposes of—

“(1) agreeing to workable limitations on conventional arms transfers; and

“(2) establishing a mechanism through which such limitations could be effectively monitored.

“(c) [Repealed. Pub. L. 97-113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.]”

## EXECUTIVE ORDER NO. 12946

Ex. Ord. No. 12946, Jan. 20, 1995, 60 F.R. 4829, which established within Department of Defense the President's Advisory Board on Arms Proliferation Policy, was revoked by Ex. Ord. No. 13062, §3(c), Sept. 29, 1997, 62 F.R. 51756, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

## § 2552. Definitions

As used in this chapter—

(a) The terms “arms control” and “disarmament” mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term “Government agency” means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(Pub. L. 87-297, title I, §103, formerly §3, Sept. 26, 1961, 75 Stat. 631; renumbered §103 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(2), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

## AMENDMENTS

1998—Subsec. (c). Pub. L. 105-277, §1223(2), struck out subsec. (c) which read as follows: “The term ‘Agency’ means the United States Arms Control and Disarmament Agency.”

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

## SUBCHAPTER II—SPECIAL REPRESENTATIVES AND VISITING SCHOLARS

## §§ 2561 to 2566. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, §1222, Oct. 21, 1998, 112 Stat. 2681-768

Section 2561, Pub. L. 87-297, title II, §21, Sept. 26, 1961, 75 Stat. 632, related to establishment of United States Arms Control and Disarmament Agency.

Section 2562, Pub. L. 87-297, title II, §22, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, §305(17)(A), Aug. 14, 1964, 78 Stat. 424; Pub. L. 94-141, title I, §145, Nov. 29, 1975, 89 Stat. 758; Pub. L. 96-66, §1(a), Sept. 21, 1979, 93 Stat. 414; Pub. L. 98-202, §2, Dec. 2, 1983, 97 Stat. 1381; Pub. L. 103-236, title VII, §705, Apr. 30, 1994, 108 Stat. 492, related to appointment and duties of Director.

Section 2563, Pub. L. 87-297, title II, §23, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, §305(17)(B), Aug. 14, 1964, 78 Stat. 424; Pub. L. 96-66, §1(b), Sept. 21, 1979, 93 Stat. 414; Pub. L. 101-216, title I, §102, Dec. 11, 1989, 103 Stat. 1853, related to appointment and powers and duties of Deputy Director.

Section 2564, Pub. L. 87-297, title II, §24, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, §305(17)(C), Aug. 14, 1964, 78 Stat. 424, related to number, appointment, and powers and duties of Assistant Directors.

Section 2565, Pub. L. 87-297, title II, §25, Sept. 26, 1961, 75 Stat. 632; Pub. L. 103-236, title VII, §706, Apr. 30, 1994, 108 Stat. 492, related to establishment of bureaus, offices, and divisions within Agency.

Section 2566, Pub. L. 87-297, title II, §26, Sept. 26, 1961, 75 Stat. 632; Pub. L. 103-236, title VII, §707, Apr. 30, 1994, 108 Stat. 493, related to appointment, function, and term of Scientific and Policy Advisory Committee.

## EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

## § 2567. Presidential Special Representatives

The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for arms control, nonproliferation, and disarmament matters. Each Presidential Special Representative shall hold the rank of ambassador. Presidential Special Representatives appointed under this section shall perform their duties and exercise their powers under the direction of the President and the Secretary of State. The Department of State shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.

(Pub. L. 87-297, title II, §201, formerly §27, as added Pub. L. 95-108, §2(a), Aug. 17, 1977, 91 Stat. 871; amended Pub. L. 98-202, §6(a), Dec. 2, 1983, 97 Stat. 1382; Pub. L. 101-216, title I, §103(a), Dec. 11, 1989, 103 Stat. 1853; Pub. L. 103-236, title VII, §708(a), Apr. 30, 1994, 108 Stat. 493; renumbered §201 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(4), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

## AMENDMENTS

1998—Pub. L. 105-277, §1223(4), struck out “One such Representative may serve in the Agency as Chief Science Advisor.” after “rank of ambassador.” and “, acting through the Director” after “Secretary of State”, and substituted “Department of State” for “Agency”.

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The President

may appoint, by and with the advice and consent of the Senate, two Special Representatives for Arms Control and Disarmament Negotiations, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.”

1989—Pub. L. 101-216 substituted “, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director” for “who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto”.

1983—Pub. L. 98-202 substituted “two Special Representatives” for “a Special Representative”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Section 103(b) of Pub. L. 101-216 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act [Dec. 11, 1989].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2574 of this title.

### § 2568. Program for visiting scholars

A program for visiting scholars in the fields of arms control, nonproliferation, and disarmament shall be established by the Secretary of State in order to obtain the services of scholars from the faculties of recognized institutions of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Department of State’s activities an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Department of State and to gain for the Department of State the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such term may be extended for a 1-year period.

(Pub. L. 87-297, title II, § 202, formerly § 28, as added Pub. L. 98-202, § 3, Dec. 2, 1983, 97 Stat. 1381; amended Pub. L. 103-236, title VII, § 719(b), Apr. 30, 1994, 108 Stat. 501; renumbered § 202 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(5), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

#### AMENDMENTS

1998—Pub. L. 105-277, § 1223(5), substituted “Secretary of State” for “Director” and “Department of State’s” for “Agency’s”, substituted “Department of State” for “Agency” in two places, and struck out at end “Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency.”

1994—Pub. L. 103-236 substituted “fields of arms control, nonproliferation, and disarmament” for “field of arms control and disarmament” in first sentence and inserted “, nonproliferation,” after “participation in the arms control” in second sentence.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### SUBCHAPTER III—FUNCTIONS

#### § 2571. Research, development and other studies

The Secretary of State is authorized and directed to exercise his powers in this subchapter in such manner as to ensure the acquisition of a fund of theoretical and practical knowledge concerning disarmament and nonproliferation. To this end, the Secretary of State is authorized and directed, under the direction of the President, (1) to ensure the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the fields of arms control, nonproliferation, and disarmament by or for other Government agencies. In carrying out his responsibilities under this chapter, the Secretary of State shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Secretary under this chapter with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:

##### (a) Control, reduction and elimination of armed forces and armaments

the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

##### (b) Weapon detection and identification tests

the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

##### (c) Analysis of national budgets and economic indicators

the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments<sup>1</sup> and of all aspects of anti-satellite activities;

##### (d) Space, earth’s surface and underwater regions

the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth’s surface, and in underwater regions;

<sup>1</sup> So in original. Probably should be followed by a comma.

**(e) Structure and operation of international control**

the structure and operation of international control and other organizations useful for arms control, nonproliferation, and disarmament;

**(f) Training of control system personnel**

the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control, nonproliferation, and disarmament agreements;

**(g) Danger of war from accident, miscalculation, or surprise attack**

the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

**(h) Economic and political consequences of disarmament**

the economic and political consequences of arms control, nonproliferation, and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

**(i) Disarmament implications of foreign and national security policies of United States**

the arms control, nonproliferation, and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control, nonproliferation, and disarmament;

**(j) National security and foreign policy implications of disarmament**

the national security and foreign policy implications of arms control, nonproliferation, and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

**(k) Methods for maintenance of peace and security during stages of disarmament**

methods for the maintenance of peace and security during different stages of arms control, nonproliferation, and disarmament;

**(l) War prevention factors**

the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established; and

**(m) Other related problems**

such related problems as the Secretary of State may determine to be in need of research, development, or study in order to carry out the provisions of this chapter.

(Pub. L. 87-297, title III, § 301, formerly § 31, Sept. 26, 1961, 75 Stat. 633; Pub. L. 88-186, § 5, Nov. 26, 1963, 77 Stat. 342; Pub. L. 95-108, § 3, Aug. 17, 1977, 91 Stat. 871; Pub. L. 97-339, § 4, Oct. 15, 1982, 96 Stat. 1636; Pub. L. 103-236, title VII, § 719(c), Apr. 30, 1994, 108 Stat. 501; renumbered § 301 and amended Pub. L. 105-277, div. G, subdiv. A, title

XII, § 1223(6), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

## AMENDMENTS

1998—Pub. L. 105-277, § 1223(6)(A)-(E), in introductory provisions, inserted “this subchapter in” after “powers in”, substituted “Secretary of State” for “Director” wherever appearing and “ensure” for “insure” in two places, struck out “in accordance with procedures established under section 2575 of this title” after “other Government agencies”, and substituted “The authority of the Secretary under this chapter with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:” for “The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control, nonproliferation, and disarmament:”.

Subsec. (l). Pub. L. 105-277, § 1223(6)(F), inserted “and” at end.

Subsec. (m). Pub. L. 105-277, § 1223(6)(B), substituted “Secretary of State” for “Director”.

1994—Pub. L. 103-236, in introductory provisions, substituted “fields of arms control, nonproliferation, and disarmament” for “field of arms control and disarmament” in three places, in first sentence, inserted “and nonproliferation” after “disarmament”, and in fourth sentence, inserted “, nonproliferation,” after “arms control” wherever appearing.

1982—Subsec. (c). Pub. L. 97-339 inserted “and of all aspects of antisatellite activities”.

1977—Pub. L. 95-108 struck out “United States” before “private” in cl. (2) of opening par.

1963—Pub. L. 88-186 inserted “United States” before “private” in cl. (2) of opening par.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

REPORT ON INTERNATIONAL TRANSFER OF  
CONVENTIONAL ARMS

Pub. L. 92-352, title III, § 302, July 13, 1972, 86 Stat. 495, directed Arms Control and Disarmament Agency, with cooperation of other agencies, to prepare a comprehensive report on international transfer of conventional arms and submit this report no later than one year after July 13, 1972, with an interim report submitted no later than six months after July 13, 1972.

**§ 2572. Patents; availability to general public; protection of background rights**

All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this chapter, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary of State may find to be necessary in the public interest) be available to the general public. This section shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

(Pub. L. 87-297, title III, § 302, formerly § 32, Sept. 26, 1961, 75 Stat. 634; renumbered § 302 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(7), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

## AMENDMENTS

1998—Pub. L. 105-277, § 1223(7), substituted “Secretary of State” for “Director” and “section” for “subsection”.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 35 section 210.

**§ 2573. Policy formulation****(a) Formulation**

The Secretary of State shall prepare for the President, and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

**(b) Prohibition**

No action shall be taken pursuant to this chapter or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

**(c) Statutory construction**

Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.

(Pub. L. 87-297, title III, § 303, formerly § 33, Sept. 26, 1961, 75 Stat. 634; Pub. L. 88-186, § 3, Nov. 26, 1963, 77 Stat. 342; Pub. L. 103-236, title VII, § 709, Apr. 30, 1994, 108 Stat. 494; renumbered § 303 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(8), (21), subdiv. B, title XXVI, § 2602, Oct. 21, 1998, 112 Stat. 2681-769, 2681-772, 2681-839.)

## AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, § 1223(8), substituted “Secretary of State” for “Director” and struck out “the Secretary of State,” after “the President.”

Subsec. (c). Pub. L. 105-277, § 2602, added subsec. (c).

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: *Provided, however,* That no action shall be taken under this chapter or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States. Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.”

1963—Pub. L. 88-186 inserted provision precluding construction of this chapter to authorize the regulation of the possession of firearms by an individual.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1223(8), (21) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

**§ 2574. Negotiation management****(a) Responsibilities**

The Secretary of State, under the direction of the President, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the field of arms control, nonproliferation, and disarmament. In furtherance of these responsibilities, Special Representatives of the President appointed pursuant to section 2567 of this title, shall, as directed by the President, serve as United States Government representatives to international organizations, conferences, and activities relating to the field of nonproliferation, such as the preparations for and conduct of the review relating to the Treaty on the Non-Proliferation of Nuclear Weapons.

**(b) Authority**

The Secretary of State is authorized—

(1) to formulate plans and make preparations for the establishment, operation, and funding of inspections and control systems which may become part of the United States arms control, nonproliferation, and disarmament activities; and

(2) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.

(Pub. L. 87-297, title III, § 304, formerly § 34, Sept. 26, 1961, 75 Stat. 634; Pub. L. 103-236, title VII, § 710, Apr. 30, 1994, 108 Stat. 494; renumbered § 304 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(9), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

## AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, § 1223(9)(A)(v), (vi), made technical amendment to reference in original act which appears in text as reference to section 2567 of this title, and struck out “the” after “serve as” in second sentence.

Pub. L. 105-277, § 1223(9)(A)(iv), which directed amendment of subsec. (a) by striking “and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation” before period at end of first sentence, was executed by striking language which did not include the word “the” before “United States” to reflect the probable intent of Congress.

Pub. L. 105-277, § 1223(9)(A)(i), (ii), in first sentence, substituted “The Secretary of State” for “The Director” and struck out “and the Secretary of State” after “the President.”

Pub. L. 105-277, § 1223(9)(A)(iii), which directed the insertion of “, nonproliferation,” after “fields of arms control”, was executed by making the insertion after “field of arms control” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 105-277, § 1223(9)(D), in introductory provisions, substituted “Secretary of State” for “Director”, redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “for the purpose of conducting negotiations concerning arms control, nonproliferation, or disarma-



ment or for the purpose of exercising any other authority given him by this chapter—

“(A) to consult and communicate with, or to direct the consultation and communication with, representatives of other nations or of international organizations, and

“(B) to communicate in the name of the Secretary of State with diplomatic representatives of the United States in the United States or abroad.”

Pub. L. 105-277, §1223(9)(C), redesignated subsec. (c) as (b).

Pub. L. 105-277, §1223(9)(B), struck out subsec. (b) which read as follows: “The Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control, nonproliferation, and disarmament matters for dissemination abroad.”

Subsec. (c). Pub. L. 105-277, §1223(9)(C), redesignated subsec. (c) as (b).

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section related to powers and duties of Director to consult with representatives of the United States and other nations, to provide official United States positions on arms control and disarmament matters to the United States Information Agency, and to formulate and implement plans for arms control inspection and control systems.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

### § 2575. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section, Pub. L. 87-297, title III, §35, Sept. 26, 1961, 75 Stat. 635; Pub. L. 103-236, title VII, §719(d), Apr. 30, 1994, 108 Stat. 501, related to coordination of Government agencies and resolution of policy differences.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### § 2576. Arms control information

In order to assist the Secretary of State in the performance of his duties with respect to arms control, nonproliferation, and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

(A) an estimated total program cost in excess of \$250,000,000, or

(B) an estimated annual program cost in excess of \$50,000,000, or

(3) any other program involving technology with potential military application or weapons systems which such Government agency or the Secretary of State believes may have a significant impact on arms control, nonproliferation, and disarmament policy or negotiations,

shall, on a continuing basis, provide the Secretary of State with full and timely access to detailed information with respect to the nature, scope, and purpose of such proposal.

(Pub. L. 87-297, title III, §305, formerly §36, as added Pub. L. 94-141, title I, §146, Nov. 29, 1975, 89 Stat. 758; amended Pub. L. 95-338, §1, Aug. 8, 1978, 92 Stat. 458; Pub. L. 103-236, title VII, §§704(1), 719(e), Apr. 30, 1994, 108 Stat. 492, 501; renumbered §305 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(10), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

#### AMENDMENTS

1998—Pub. L. 105-277, §1223(10), substituted “Secretary of State” for “Director” wherever appearing and, in concluding provisions, struck out “, in accordance with the procedures established pursuant to section 2575 of this title,” after “detailed information”.

1994—Pub. L. 103-236, §719(e), substituted “information” for “impact information and analysis” in section catchline, redesignated subsec. (a) as entire section, and inserted “, nonproliferation,” after “arms control” in introductory provisions and par. (3).

Subsecs. (b), (c). Pub. L. 103-236, §704(1), struck out subsec. (b) which required the Director to assess and analyze certain legislative and budgetary proposals with respect to their impact on arms control and disarmament policy and negotiations and subsec. (c) which prohibited courts from compelling performance of any requirement under this section.

1978—Subsec. (a)(3). Pub. L. 95-338, §1(1), substituted “technology with potential military application or weapons systems” for “weapons systems or technology”.

Subsec. (b)(2). Pub. L. 95-338, §1(2), inserted provisions requiring requests to be transmitted either as an individual program or as an aggregation of related programs, and classification requirements for transmitted statements.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### § 2577. Verification of compliance

#### (a) In general

In order to ensure that arms control, nonproliferation, and disarmament agreements can be verified, the Secretary of State shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

(1) in the case of any arms control, nonproliferation, or disarmament agreement that has been concluded by the United States, the determination of the Secretary of State as to the degree to which the components of such agreement can be verified;

(2) in the case of any arms control, nonproliferation, or disarmament agreement that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement;

(3) the amount and percentage of research funds expended by the Department of State for

the purpose of analyzing issues relating to arms control, nonproliferation, and disarmament verification; and

(4) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency.

**(b) Assessments upon request**

Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, in case of an arms control, nonproliferation, or disarmament proposal presented to a foreign country by the United States or presented to the United States by a foreign country, the Secretary of State shall submit a report to the Committee on the degree to which elements of the proposal are capable of being verified.

**(c) Standard for verification of compliance**

In making determinations under paragraphs (1) and (2) of subsection (a) of this section, the Secretary of State shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

**(d) Rule of construction**

Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.

(Pub. L. 87-297, title III, § 306, formerly § 37, as added Pub. L. 95-108, § 4, Aug. 17, 1977, 91 Stat. 871; amended Pub. L. 103-236, title VII, § 712, Apr. 30, 1994, 108 Stat. 495; renumbered § 306 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(11), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772; Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XI, § 1115], Nov. 29, 1999, 113 Stat. 1536, 1501A-489.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-113, § 1000(a)(7) [title XI, § 1115(a)], struck out “adequately” before “verified” in introductory provisions.

Subsecs. (b) to (d). Pub. L. 106-113, § 1000(a)(7) [title XI, § 1115(b)], added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively. Language in section 1000(a)(7) [title XI, § 1115(b)] directing redesignation of subsec. (d) as (e) could not be executed. See 1998 Amendment note below.

1998—Subsec. (a). Pub. L. 105-277, § 1223(11)(A), substituted “Secretary of State” for “Director” in introductory provisions and par. (1) and substituted “Department of State” for “Agency” in par. (3).

Subsec. (b). Pub. L. 105-277, § 1223(11)(A), substituted “Secretary of State” for “Director”.

Subsec. (d). Pub. L. 105-277, § 1223(11)(B), struck out heading and text of subsec. (d). Text read as follows: “In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 2593a(a)(5) of this title, the Director, or the Director’s designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, pro-

grams, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.”

1994—Pub. L. 103-236 substituted “Verification of compliance” for “Verification of Arms Control Agreements” as section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (c) requiring the Director to report to Congress relating to verification of arms control proposals and agreements.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2652c of this title.

**§ 2577a. Arms control verification**

**(a) Establishment of working group**

The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

**(b) Information and data base**

(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

(Pub. L. 101-216, title I, § 105, Dec. 11, 1989, 103 Stat. 1854.)

CODIFICATION

Section was enacted as part of the Arms Control and Disarmament Amendments Act of 1989, and not as part of the Arms Control and Disarmament Act which comprises this chapter.

TRANSFER OF FUNCTIONS

“Agency”, referred to in subsec. (b), meaning the United States Arms Control and Disarmament Agency, abolished and functions transferred to Secretary of State, see sections 6511 and 6512 of this title.

**§ 2578. Negotiating records****(a) Preparation of records**

The Secretary of State shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

**(b) Negotiating and implementation records**

In particular, the Secretary of State shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

(Pub. L. 87-297, title III, §307, formerly §38, as added Pub. L. 103-236, title VII, §713(a), Apr. 30, 1994, 108 Stat. 496; renumbered §307 and amended Pub. L. 105-277, div. G, subd. A, title XII, §1223(12), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

**PRIOR PROVISIONS**

A prior section 2578, Pub. L. 87-297, title III, §38, as added Pub. L. 100-213, §3(b), Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-199, title IV, §401(a), Dec. 17, 1993, 107 Stat. 2324, related to reports on activities of Standing Consultative Commission, prior to repeal by Pub. L. 103-236, title VII, §704(2), Apr. 30, 1994, 108 Stat. 492.

**AMENDMENTS**

1998—Subsecs. (a), (b). Pub. L. 105-277, §1223(12)(A), substituted “Secretary of State” for “Director”.

Subsec. (c). Pub. L. 105-277, §1223(12)(B), struck out heading and text of subsec. (c). Text read as follows: “In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.”

**EFFECTIVE DATE OF 1998 AMENDMENT**

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

**§ 2579. Omitted****CODIFICATION**

Section, Pub. L. 87-297, title III, §308, formerly §39, as added Pub. L. 100-213, §4, Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-236, title VII, §719(f), Apr. 30, 1994, 108 Stat. 502; renumbered §308 and amended Pub. L. 105-277, div. G, subd. A, title XII, §1223(21), Oct. 21, 1998, 112 Stat. 2681-772, which required the Director of the United States Arms Control and Disarmament Agency (whose functions were transferred to the Secretary of State under section 6512 of this title) to provide an annual report to Congress on studies relating to arms control, nonproliferation, and disarmament issues, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 155 of House Document No. 103-7.

**SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS****§ 2581. General authority of Secretary of State**

In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter is authorized to—

**(a) Utilization of other Federal agencies; transfers of supplies, equipment, and surplus property**

utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Department of State as may appear desirable. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Secretary of State, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.];

**(b) Employment of personnel**

appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Secretary of State ensures that—

(1) any employee who is appointed under this subsection is not paid at a rate—

(A) in excess of the rate payable for positions of equivalent difficulty or responsibility, or

(B) exceeding the maximum rate payable for grade 15 of the General Schedule; and

(2) the number of employees appointed under this subsection shall not exceed 10 percent of the Department of State's full-time-equivalent positions allocated to carry out the purpose of this chapter.<sup>1</sup>

**(c) Detail of other agency personnel without prejudice to status or advancement**

enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Department of State for the performance of service pursuant to this chapter without prejudice to the status or advancement of such officers or employees within their own agencies;

**(d) Experts and consultants; stenographic reporting services; compensation and travel expenses; limitation on period of employment; renewal of employment contracts**

procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109

<sup>1</sup> So in original. The period probably should be a semicolon.

of title 5 and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided*, That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further*, That such contracts may be renewed annually;

**(e) Employment of outstanding personnel**

employ individuals of outstanding ability without compensation in accordance with the provisions of section 2160(b) of the Appendix to title 50 and regulations issued thereunder;

**(f) Establishment of scientific and policy advisory board; compensation and expenses**

establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;

**(g) Oaths and sworn statements**

administer oaths and take sworn statements in the course of an investigation made pursuant to the Secretary of State's responsibilities under this chapter;

**(h) Delegation of functions**

delegate, as appropriate, to the Under Secretary for Arms Control and International Security or other officers of the Department of State, any authority conferred upon the Secretary of State by the provisions of this chapter; and

**(i) Rules and regulations**

make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Secretary of State by the provisions of this chapter.

(Pub. L. 87-297, title IV, § 401, formerly § 41, Sept. 26, 1961, 75 Stat. 635; Pub. L. 93-332, § 1(a), July 8, 1974, 88 Stat. 289; Pub. L. 95-108, § 5, Aug. 17, 1977, 91 Stat. 872; Pub. L. 102-228, title IV, § 401(b), Dec. 12, 1991, 105 Stat. 1698; Pub. L. 103-236, title VII, § 715, Apr. 30, 1994, 108 Stat. 498; renumbered § 401 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(13), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. The excess property provisions of that Act are classified to

chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

The provisions of title 5 governing appointment to the competitive service, referred to in subsec. (b), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

AMENDMENTS

1998—Pub. L. 105-277, § 1223(13)(A), substituted “In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter” for “In the performance of his functions, the Director” in introductory provisions.

Subsec. (a). Pub. L. 105-277, § 1223(13)(B), (C), substituted “Department of State” for “Agency” and “Secretary of State” for “Director”, and struck out “It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director.” after “may appear desirable.”

Subsec. (b). Pub. L. 105-277, § 1223(13)(B), (D)(i), in introductory provisions, substituted “Secretary of State” for “Director” and struck out “appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5 governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,” before “appoint and fix”.

Subsec. (b)(1). Pub. L. 105-277, § 1223(13)(D)(ii), substituted “subsection” for “exception” in introductory provisions.

Subsec. (b)(2). Pub. L. 105-277, § 1223(13)(B), (D)(iii), substituted “subsection” for “exception”, “Department of State’s” for “Agency’s”, and “positions allocated to carry out the purpose of this chapter” for “ceiling”.

Subsec. (c). Pub. L. 105-277, § 1223(13)(B), substituted “Department of State” for “Agency”.

Subsec. (f). Pub. L. 105-277, § 1223(13)(G), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;”.

Subsec. (g). Pub. L. 105-277, § 1223(13)(B), (E), (F), redesignated subsec. (h) as (g), substituted “Secretary of State’s” for “Director’s”, and struck out former subsec. (g) which read as follows: “permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;”.

Subsec. (h). Pub. L. 105-277, § 1223(13)(B), (F), (H), redesignated subsec. (i) as (h) and substituted “Under Secretary for Arms Control and International Security” for “Deputy Director”, “Department of State” for “Agency”, and “Secretary of State” for “Director”. Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105-277, § 1223(13)(B), (F), redesignated subsec. (j) as (i) and substituted “Secretary of State” for “Director”. Former subsec. (i) redesignated (h).

Subsec. (j). Pub. L. 105-277, §1223(13)(F), redesignated subsec. (j) as (i).

1994—Subsec. (b). Pub. L. 103-236 substituted “except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Director ensures that—” for “except that during the 2-year period beginning on August 17, 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency without regard to such provisions, subject to the following requirements:”, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) an officer or employee whose compensation is fixed under the foregoing exception may not be paid a salary at a rate in excess of the rate payable under such chapter 51 and such subchapter III for positions of equivalent difficulty or responsibility except for (A) those officers and employees whose compensation is fixed by law, and (B) scientific and technical personnel who may be compensated at a rate not to exceed the rate in effect for grade GS-18 of the General Schedule;

“(2) the Director shall make adequate provision for administrative review of any determination to suspend or dismiss any officer or employee appointed under the foregoing exception; and

“(3) an officer or employee of the Agency serving under a career or career conditional appointment on August 17, 1977, may not be involuntarily deprived, while employed by the Agency, of any rights normally granted such officer or employee in the competitive service;”.

1991—Subsecs. (h) to (j). Pub. L. 102-228 added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

1977—Subsec. (b). Pub. L. 95-108, §5(a), incorporated existing provisions into introductory paragraph, and as so incorporated, revised terminology to reflect current classification of civil service laws, etc., and inserted provisions authorizing the Director to appoint and fix compensation of officers and employees of the agency, without regard to the provisions of title 5, during a two-year period beginning Aug. 17, 1977, and added pars. (1) to (3).

Subsecs. (g) to (i). Pub. L. 95-108, §5(b), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

1974—Subsec. (d). Pub. L. 93-332 substituted “as authorized by section 3109 of title 5” for “as authorized by section 55a of title 5, at rates not to exceed \$100 per diem for individuals”, “section 5703 of such title” for “section 73b-2 of title 5” and “130 days” for “one hundred days”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### DELEGATION OF AUTHORITY TO MAKE CERTIFICATIONS UNDER SECTION 41(d) OF THE ARMS CONTROL AND DISARMAMENT ACT

Memorandum of the President of the United States, Aug. 18, 1990, 55 F.R. 37693, provided:

Memorandum for the Director of the United States Arms Control and Disarmament Agency

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, you are hereby delegated the authority set forth in section 41(d) of the Arms Control and Disarmament Act (22 U.S.C. 2581(d)) to certify that the employment of persons referred to in that section in excess of the number

of days set forth in that section is necessary in the national interest.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

[For abolition, transfer of functions, and treatment of references to United States Arms Control and Disarmament Agency, see section 6511 et seq. of this title.]

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2566, 2585 of this title.

#### §§ 2582, 2583. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section 2582, Pub. L. 87-297, title IV, §42, Sept. 26, 1961, 75 Stat. 636; Pub. L. 96-465, title II, §2204(a), Oct. 17, 1980, 94 Stat. 2159, related to appointment or employment of Foreign Service personnel.

Section 2583, Pub. L. 87-297, title IV, §43, Sept. 26, 1961, 75 Stat. 636, related to exemption from provisions of law relating to contracts or expenditures of Government funds.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### § 2584. Dual compensation exemption

Members of advisory boards and consultants may serve as such without regard to any Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532<sup>1</sup> of title 5. This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.

(Pub. L. 87-297, title IV, §402, formerly §44, Sept. 26, 1961, 75 Stat. 636; Pub. L. 88-448, title IV, §401(d), Aug. 19, 1964, 78 Stat. 490; renumbered §402 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(14), (21), Oct. 21, 1998, 112 Stat. 2681-771, 2681-772.)

#### CODIFICATION

“Section 5532 of title 5” substituted in text for “section 201 of the Dual Compensation Act” [5 U.S.C. 3102], on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees. Section 5532 of title 5 was repealed by Pub. L. 106-65, div. A, title VI, §651(a)(1), Oct. 5, 1999, 113 Stat. 664.

#### AMENDMENTS

1998—Pub. L. 105-277, in section catchline, struck out “Conflict of interest and” before “dual compensation”, in first sentence, substituted “Members of advisory boards and consultants may serve as such without regard to any” for “The members of the General Advisory Committee created by section 2566 of this title, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 2581 of this title, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or

<sup>1</sup> See Codification note below.

the payment or receipt of compensation in connection with any claim, proceeding or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(b) and 8344 of title 5, or any other", and inserted at end "This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament."

1964—Pub. L. 88-448 struck out provisions which stated that such service shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted ", subject to section 3102 of title 5".

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on first day of first month which begins later than ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

#### TERMINATION OF ADVISORY COMMITTEES AND BOARDS

Advisory committees and boards, in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee or board established by the President or an officer of the Federal Government, such committee or board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee or board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

### §§ 2585 to 2588. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section 2585, Pub. L. 87-297, title IV, § 45, Sept. 26, 1961, 75 Stat. 637; Pub. L. 88-186, § 2, Nov. 26, 1963, 77 Stat. 341; Pub. L. 94-141, title I, § 147, Nov. 29, 1975, 89 Stat. 759; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 97-339, § 3, Oct. 15, 1982, 96 Stat. 1635; Pub. L. 103-236, title VII, § 716, Apr. 30, 1994, 108 Stat. 498, related to national security requirements.

Section 2586, Pub. L. 87-297, title IV, § 46, Sept. 26, 1961, 75 Stat. 638, related to Comptroller General audit of contracts.

Section 2587, Pub. L. 87-297, title IV, § 47, Sept. 26, 1961, 75 Stat. 638, related to transfer of activities and facilities to Arms Control and Disarmament Agency.

Section 2588, Pub. L. 87-297, title IV, § 48, Sept. 26, 1961, 75 Stat. 638; Pub. L. 96-465, title II, § 2204(b), Oct. 17, 1980, 94 Stat. 2159; Pub. L. 99-550, § 2(c), Oct. 27, 1986, 100 Stat. 3070; Pub. L. 101-216, title I, § 106, Dec. 11, 1989, 103 Stat. 1854, related to use of funds by Director.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### §§ 2589, 2590. Repealed. Pub. L. 103-236, title VII, § 717(a)(1), Apr. 30, 1994, 108 Stat. 498

Section 2589, Pub. L. 87-297, title IV, § 49, Sept. 26, 1961, 75 Stat. 639; Pub. L. 88-186, § 1, 4, Nov. 26, 1963, 77 Stat. 341, 342; Pub. L. 89-27, May 27, 1965, 79 Stat. 118;

Pub. L. 90-314, May 23, 1968, 82 Stat. 129; Pub. L. 91-246, May 12, 1970, 84 Stat. 207; Pub. L. 92-352, title III, § 301, July 13, 1972, 86 Stat. 494; Pub. L. 93-332, § 1(b), July 8, 1974, 88 Stat. 289; Pub. L. 94-141, title I, §§ 141, 148, Nov. 29, 1975, 89 Stat. 757, 760; Pub. L. 95-108, § 6, Aug. 17, 1977, 91 Stat. 873; Pub. L. 95-338, §§ 2, 3, Aug. 8, 1978, 92 Stat. 458, 459; Pub. L. 96-66, § 2(a), Sept. 21, 1979, 93 Stat. 414; Pub. L. 97-339, § 2(a), Oct. 15, 1982, 96 Stat. 1635; Pub. L. 98-202, § 1, Dec. 2, 1983, 97 Stat. 1381; Pub. L. 99-93, title VII, §§ 701, 702, Aug. 16, 1985, 99 Stat. 444; Pub. L. 100-213, § 2, Dec. 24, 1987, 101 Stat. 1444; Pub. L. 101-216, title I, § 101, Dec. 11, 1989, 103 Stat. 1853; Pub. L. 102-228, title IV, § 401(a), Dec. 12, 1991, 105 Stat. 1698; Pub. L. 103-236, title I, § 106(b), Apr. 30, 1994, 108 Stat. 391, authorized appropriations to carry out purposes of this chapter.

Section 2590, Pub. L. 87-297, title IV, § 50, Sept. 26, 1961, 75 Stat. 639; Pub. L. 94-141, title I, § 149, Nov. 29, 1975, 89 Stat. 760, required submission of reports to Congress on Agency activities.

### § 2591. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section, Pub. L. 87-297, title IV, § 49, formerly § 51, as added Pub. L. 98-202, § 4, Dec. 2, 1983, 97 Stat. 1382; amended Pub. L. 103-199, title IV, § 401(b), Dec. 17, 1993, 107 Stat. 2324; renumbered § 49 and amended Pub. L. 103-236, title VII, § 717(a)(2), 719(g), Apr. 30, 1994, 108 Stat. 498, 502, related to specialists fluent in Russian or other languages of the independent states of the former Soviet Union.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### § 2592. Repealed. Pub. L. 103-236, title VII, § 704(3), Apr. 30, 1994, 108 Stat. 492

Section, Pub. L. 87-297, title IV, § 52, as added Pub. L. 99-93, title VII, § 703, Aug. 16, 1985, 99 Stat. 444; amended Pub. L. 100-213, § 5, Dec. 24, 1987, 101 Stat. 1446; Pub. L. 103-199, title IV, § 401(c), Dec. 17, 1993, 107 Stat. 2324, related to reports on adherence to and compliance with arms control agreements.

### §§ 2592a, 2592b. Repealed. Pub. L. 103-199, title IV, § 403(a)(1), (b)(1), Dec. 17, 1993, 107 Stat. 2325

Section 2592a, Pub. L. 99-145, title X, § 1002, Nov. 8, 1985, 99 Stat. 705; Pub. L. 100-456, div. A, title IX, § 905(a), Sept. 29, 1988, 102 Stat. 2032, related to submission by President of annual report to Congress on Soviet compliance with arms control commitments.

Section 2592b, Pub. L. 100-456, div. A, title IX, § 906, Sept. 29, 1988, 102 Stat. 2033, related to submission by President of annual report to Congress on arms control strategy of the United States.

### § 2593. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section, Pub. L. 87-297, title IV, § 50, formerly § 53, as added Pub. L. 100-213, § 6(a), Dec. 24, 1987, 101 Stat. 1446; renumbered § 50 Pub. L. 103-236, title VII, § 717(a)(2), Apr. 30, 1994, 108 Stat. 498, related to Inspector General of the Arms Control and Disarmament Agency.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### § 2593a. Annual report to Congress

#### (a) In general

Not later than January 31 of each year, the President shall submit to the Speaker of the

House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year;

(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

(3) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

(4) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

(B) an assessment of damage, if any, to the United States security and other interests; and

(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems;

(5) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 6305(4) of this title) by non-nuclear-weapon states (as defined in section 6305(5) of this title) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 6305(8) of this title), including—

(A) a net assessment of the aggregate military significance of all such violations;

(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

(6) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States.

#### **(b) Classification of report**

The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The portions of this report described in paragraphs (4) and (5) of subsection (a) of this section shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

#### **(c) Reporting consecutive noncompliance**

If the President in consecutive reports submitted to the Congress under this section reports that any designated nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

#### **(d) Additional requirement**

Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) of this section that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999).

(Pub. L. 87-297, title IV, § 403, formerly § 51, as added and amended Pub. L. 103-236, title VII, § 717(a)(3), title VIII, § 828(a), Apr. 30, 1994, 108 Stat. 498, 520; renumbered § 403 and amended, Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(15), (21), Oct. 21, 1998, 112 Stat. 2681-771, 2681-772; Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XI, § 1113], Nov. 29, 1999, 113 Stat. 1536, 1501A-487.)

#### **REFERENCES IN TEXT**

Section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999, referred to in subsec. (d), is section 1000(a)(7) [div. B, title XI, § 1102(1)] of Pub. L. 106-113, which is set out as a note under section 2652c of this title.

#### **AMENDMENTS**

1999—Subsec. (a)(4). Pub. L. 106-113, § 1000(a)(7) [title XI, § 1113(a)(1)(A)-(C)], in introductory provisions, inserted “or commitments, including the Missile Technology Control Regime,” before “to which”, “or commitments” before “,” and “shall”, and “or commitment” before “about which”.

Subsec. (a)(6). Pub. L. 106-113, § 1000(a)(7) [title XI, § 1113(a)(1)(D), (2), (3)], added par. (6).

Subsec. (d). Pub. L. 106–113, §1000(a)(7) [title XI, §1113(b)], added subsec. (d).

1998—Subsec. (a). Pub. L. 105–277, §1223(15)(A)(ii), (iii), in introductory provisions, substituted “Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with” for “Director, in consultation with the Secretary of State,” and “and the Chairman of the Joint Chiefs of Staff” for “the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence”.

Subsec. (a)(1). Pub. L. 105–277, §1223(15)(A)(i), inserted “, nonproliferation,” after “arms control”.

Subsec. (a)(2). Pub. L. 105–277, §1223(15)(A)(iv), (v), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;”.

Subsec. (a)(3). Pub. L. 105–277, §1223(15)(A)(v), redesignated par. (5) as (3). Former par. (3) redesignated (2).

Pub. L. 105–277, §1223(15)(A)(i), inserted “, nonproliferation,” after “arms control”.

Subsec. (a)(4). Pub. L. 105–277, §1223(15)(A)(iv), (v), redesignated par. (6) as (4) and struck out former par. (4) which read as follows: “a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;”.

Subsec. (a)(5) to (7). Pub. L. 105–277, §1223(15)(A)(v), redesignated pars. (5) to (7) as (3) to (5), respectively.

Subsec. (b). Pub. L. 105–277, §1223(15)(B), inserted at end “The portions of this report described in paragraphs (4) and (5) of subsection (a) of this section shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.”

1994—Subsec. (a)(5) to (7). Pub. L. 103–236, §828(a)(1)–(3), struck out “and” at end of par. (5), substituted “; and” for period at end of par. (6), and added par. (7).

Subsec. (c). Pub. L. 103–236, §828(a)(4), added subsec. (c).

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 828(a) of Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

#### REQUIREMENT FOR TRANSMITTAL OF SUMMARIES

Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XI, §1118], Nov. 29, 1999, 113 Stat. 1536, 1501A–489, provided that: “Whenever a United States delegation engaging in negotiations on arms control, nonproliferation, or disarmament submits to the Secretary of State a summary of the activities of the delegation or the status of those negotiations, a copy of each such summary shall be further transmitted by the Secretary of State to the Committee on Foreign Relations of the Senate and to the Committee on International Relations of the House of Representatives promptly.”

#### TRANSMISSION OF EXECUTIVE BRANCH REPORTS PROVIDING CONGRESS WITH CLASSIFIED SUMMARIES OF ARMS CONTROL DEVELOPMENTS

Pub. L. 105–261, div. A, title XV, §1502, Oct. 17, 1998, 112 Stat. 2171, as amended by Pub. L. 106–65, div. A, title X, §1067(3), Oct. 5, 1999, 113 Stat. 774, provided that:

“(a) REPORTING REQUIREMENT.—The Director of the Arms Control and Disarmament Agency (or the Secretary of State, if the Arms Control and Disarmament Agency becomes an element of the Department of

State) shall transmit to the Committee on Armed Services of the House of Representatives on a periodic basis reports containing classified summaries of arms control developments.

“(b) CONTENTS OF REPORTS.—The reports required by subsection (a) shall include information reflecting the activities of forums established to consider issues relating to treaty implementation and treaty compliance.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2652c of this title.

### § 2593b. Public annual report on world military expenditures and arms transfers

Not later than December 31 of each year, the Secretary of State shall publish an unclassified report on world military expenditures and arms transfers. Such report shall provide detailed, comprehensive, and statistical information regarding military expenditures, arms transfers, armed forces, and related economic data for each country of the world. In addition, such report shall include pertinent in-depth analyses as well as highlights with respect to arms transfers and proliferation trends and initiatives affecting such developments.

(Pub. L. 87–297, title IV, §404, formerly §52, as added Pub. L. 103–236, title VII, §717(a)(3), Apr. 30, 1994, 108 Stat. 499; renumbered §404 and amended Pub. L. 105–277, div. G, subdiv. A, title XII, §1223(16), (21), Oct. 21, 1998, 112 Stat. 2681–772.)

#### AMENDMENTS

1998—Pub. L. 105–277, §1223(16), substituted “Secretary of State” for “Director” in first sentence.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

### §§ 2593c, 2593d. Repealed. Pub. L. 105–277, div. G, subdiv. A, title XII, §1222, Oct. 21, 1998, 112 Stat. 2681–768

Section 2593c, Pub. L. 87–297, title IV, §53, as added Pub. L. 103–236, title VII, §718(a), Apr. 30, 1994, 108 Stat. 500, related to requirement for authorization of appropriations.

Section 2593d, Pub. L. 87–297, title IV, §54, as added Pub. L. 103–236, title VII, §718(a), Apr. 30, 1994, 108 Stat. 500, related to transfers and reprogrammings of funds.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

### SUBCHAPTER V—ON-SITE INSPECTION ACTIVITIES

#### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2593d of this title.

### § 2595. Findings

The Congress finds that—

(1) under this chapter, the Department of State is charged with the “formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security”;



(2) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

(3) on-site inspection activities under the INF Treaty include—

(A) inspections in Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan, the Czech Republic, and Germany,

(B) escort duties for teams visiting the United States and the Basing Countries,

(C) establishment and operation of the Portal Monitoring Facility in Russia, and

(D) support for the inspectors at the Portal Monitoring Facility in Utah;

(4) the On-Site Inspection Agency has additional responsibilities to those specified in paragraph (3), including the monitoring of nuclear tests pursuant to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and the monitoring of the inspection provisions of such additional arms control agreements as the President may direct;

(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

(6) the senior officials of the On-Site Inspection Agency include representatives from the Department of State.

(Pub. L. 87-297, title V, § 501, formerly § 61, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855; amended Pub. L. 102-228, title IV, § 402(a)(1), Dec. 12, 1991, 105 Stat. 1699; Pub. L. 103-199, title IV, § 401(d), Dec. 17, 1993, 107 Stat. 2324; renumbered and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(17), (21), Oct. 21, 1998, 112 Stat. 2681-772.)

#### AMENDMENTS

1998—Par. (1). Pub. L. 105-277, § 1223(17)(A), substituted “Department of State” for “United States Arms Control and Disarmament Agency”.

Par. (2). Pub. L. 105-277, § 1223(17)(B), (C), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “as defined in this chapter, the terms ‘arms control’ and ‘disarmament’ mean ‘the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control’;”.

Par. (3). Pub. L. 105-277, § 1223(17)(C), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Par. (4). Pub. L. 105-277, § 1223(17)(C), (D), redesignated par. (5) as (4) and substituted “paragraph (3)” for “paragraph (4)”. Former par. (4) redesignated (3).

Par. (5). Pub. L. 105-277, § 1223(17)(C), redesignated par. (6) as (5). Former par. (5) redesignated (4).

Pars. (6), (7). Pub. L. 105-277, § 1223(17)(C), (E), redesignated par. (7) as (6) and struck out “United States Arms Control and Disarmament Agency and the” before “Department of State”. Former par. (6) redesignated (5).

1993—Par. (4)(A). Pub. L. 103-199, § 401(d)(1), substituted “Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan, the Czech Republic, and Germany” for “the Soviet Union, Czechoslovakia, and the German Democratic Republic”.

Par. (4)(B). Pub. L. 103-199, § 401(d)(2), struck out “Soviet” before “teams”.

Par. (4)(C). Pub. L. 103-199, § 401(d)(3), substituted “Russia” for “the Soviet Union”.

Par. (4)(D). Pub. L. 103-199, § 401(d)(4), struck out “Soviet” before “inspectors”.

1991—Pars. (5) to (7). Pub. L. 102-228 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### ACCOUNTING FOR REIMBURSABLE EXPENSES INCURRED BY DEPARTMENT OF DEFENSE ON BEHALF OF SOVIET UNION OR SUCCESSOR ENTITIES IN MONITORING INF TREATY

Pub. L. 103-139, title VIII, § 8033, Nov. 11, 1993, 107 Stat. 1447, provided that: “During the current fiscal year and thereafter, of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union or its successor entities in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles (‘INF Treaty’), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526) [2 U.S.C. 635(b)(1)(B)]. Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act [see Tables for classification] may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members or inspection team members of the successor entities of the Soviet Union engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual’s permanent duty station.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-396, title IX, § 9045, Oct. 6, 1992, 106 Stat. 1912.

Pub. L. 102-172, title VIII, § 8045, Nov. 26, 1991, 105 Stat. 1182.

Pub. L. 101-511, title VIII, § 8049, Nov. 5, 1990, 104 Stat. 1885.

Pub. L. 101-165, title IX, § 9062, Nov. 21, 1989, 103 Stat. 1142.

Pub. L. 100-463, title VIII, § 8138, Oct. 1, 1988, 102 Stat. 2270-46.

#### UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

Pub. L. 101-189, div. A, title X, § 1014, Nov. 29, 1989, 103 Stat. 1547, provided that:

“(a) FINDINGS CONCERNING ON-SITE INSPECTION PERSONNEL.—Congress makes the following findings:

“(1) The United States is currently engaged in multilateral and bilateral negotiations seeking to achieve treaties or agreements to reduce or eliminate various types of military weapons and to make certain reductions in military personnel levels. These negotiations include negotiations for (A) reductions in strategic forces, conventional armaments, and military personnel levels, (B) regimes for monitoring nuclear testing, and (C) the complete elimination of chemical weapons.

“(2) Requirements for monitoring these possible treaties or agreements will be extensive and will

place severe stress on the monitoring capabilities of United States national technical means.

“(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated, and are currently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

“(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 2,500 (compared to 120 for the INF Treaty).

“(5) On-site inspection procedures are likely to be an integral part of any future arms control treaty or agreement.

“(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

“(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

“(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which was created by the President to implement (for the United States) the on-site inspection provisions of the INF Treaty.

“(b) STATUS OF THE OSIA.—(1) Congress finds that—

“(A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

“(B) the Secretary of Defense provides to the Director appropriate policy guidance formulated by the interagency arms control mechanism established by the President;

“(C) most of the personnel of the OSIA are members of the Armed Forces (who are trained and paid by the military departments within the Department of Defense) and include linguists, weapons specialists, and foreign area specialists;

“(D) the Department of Defense provides the OSIA with substantially all of its administrative and logistic support (including military air transportation for inspections in the Soviet Union and Eastern Europe); and

“(E) the facilities in Europe and the United States at which OSIA personnel escort personnel of the Soviet Union conducting inspections under the on-site inspection terms of the INF Treaty are under the jurisdiction of the Department of Defense (or under the jurisdiction of entities that are contractors with the Department of Defense).

“(2) In light of the findings in paragraph (1) and the report submitted pursuant to section 909 of Public Law 100-456 [div. A, title IX, Sept. 29, 1988, 102 Stat. 2036] entitled ‘Report to the Congress on U.S. Monitoring and Verification Activities Related to the INF Treaty’ (submitted on July 27, 1989), Congress hereby determines that by locating the On-Site Inspection Agency within the Department of Defense for the purposes of adminis-

trative and logistic support and operational guidance, and integrating on-site inspection responsibilities under the INF Treaty with existing organizational activities of that Department, the President has been able to ensure that sensitive national security assets are protected and that obligations of the United States under that treaty are fulfilled in an efficient and cost-effective manner.

“(c) ESTABLISHMENT OF PERSONNEL DATABASE.—(1) In light of the findings in subsection (a), the Director of the On-Site Inspection Agency shall establish a database consisting of the names of individuals who could be assigned or detailed (in the case of Government personnel) or employed (in the case of non-Government personnel) to participate in the conduct of on-site inspections under any future arms control treaty or agreement that includes provisions for such inspections.

“(2) The database should be composed of the names of individuals with skills (including linguistic and technical skills) necessary for the conduct of on-site inspections.

“(d) INF TREATY DEFINED.—For purposes of this section, the term ‘INF Treaty’ means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, DC, on December 8, 1987.”

#### § 2595a. Policy coordination concerning implementation of on-site inspection provisions

##### (a) Interagency coordination

OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

##### (b) Role of Secretary of Defense

The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) of this section and operational direction, consistent with section 113(b) of title 10.

##### (c) Role of Secretary of State

The Secretary of State should provide to the interagency mechanism described in subsection (a) of this section appropriate recommendations for policy guidance to OSIA consistent with sections 2551(3) and 2574(b) of this title.

(Pub. L. 87-297, title V, § 502, formerly § 62, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855; renumbered § 502 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(18), (21), Oct. 21, 1998, 112 Stat. 2681-772.)

#### AMENDMENTS

1998—Subsec. (c). Pub. L. 105-277, § 1223(18), in heading substituted “Secretary of State” for “Director” and in text substituted “Secretary of State” for “Director” and “2551(3) and 2574(b)” for “2551(d), 2562, and 2574(c)”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

#### § 2595b. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section, Pub. L. 87-297, title V, § 63, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856, authorized appropriations for On-Site Inspection Agency for fiscal years 1990 and 1991.

## EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### § 2595b-1. Review of certain reprogramming notifications

Any notification submitted to the Congress with respect to a proposed transfer, reprogramming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, and shall be subject to review by those committees.

(Pub. L. 87-297, title V, § 503, formerly § 64, as added Pub. L. 102-228, title IV, § 402(b)(2), Dec. 12, 1991, 105 Stat. 1699; renumbered § 503 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(19), (21), Oct. 21, 1998, 112 Stat. 2681-772.)

## AMENDMENTS

1998—Pub. L. 105-277, § 1223(19) substituted section catchline for former section catchline “Improving congressional oversight of on-site inspection activities”, struck out subsec. (b) designation and heading, substituted “International Relations” for “Foreign Affairs”, and struck out heading and text of subsec. (a). Text read as follows: “Concurrent with the submission to the Congress of the request for authorization of appropriations for OSIA for fiscal year 1993, the President shall submit a report on OSIA to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Armed Services of the House of Representatives and Senate. The report shall include a review of—

“(1) the history of OSIA, including how, when, and under what auspices it was established, including the applicable texts of the relevant executive orders;

“(2) the missions and tasks assigned to OSIA to date;

“(3) any additional missions and tasks likely to be assigned to OSIA during fiscal year 1993;

“(4) the budgetary history of OSIA; and

“(5) the extent to which OSIA plays a role in arms control policy formulation and operational implementation.”

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

### § 2595c. Definitions

As used in this subchapter—

(1) the term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987);

(2) the term “OSIA” means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty;

(3) the term “Peaceful Nuclear Explosions Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes (signed at Washington and Moscow, May 28, 1976); and

(4) the term “Threshold Test Ban Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests (signed at Moscow, July 3, 1974).

(Pub. L. 87-297, title V, § 504, formerly § 64, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856; renumbered § 65 and amended Pub. L. 102-228, title IV, § 402(a)(2), (b)(1), Dec. 12, 1991, 105 Stat. 1699; renumbered § 504 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(20), (21), Oct. 21, 1998, 112 Stat. 2681-772.)

## AMENDMENTS

1998—Par. (1). Pub. L. 105-277, § 1223(20), inserted “of America” after “United States”.

1991—Pars. (3), (4). Pub. L. 102-228, § 402(a)(2), added pars. (3) and (4).

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

## CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

Sec.

2601.

Refugees and migration.

(a) United States membership in International Organization for Migration; contributions to Organization.

(b) Appropriations for assistance to refugees.

(c) United States Emergency Refugee and Migration Assistance Fund; appropriations.

(d) Information to Congressional committees.

(e) Continued availability of certain funds.

(f) Restrictions on foreign assistance not applicable to migration and refugee assistance.

2602.

Presidential authorization.

(a) Authority of President to make loans, advances, grants, contracts, etc.; authority to use money, funds, property, services, etc.

(b) Performance of functions without regard to specified provisions of law.

2603.

Delegation of powers.

2604.

Allocation, transfer and availability of funds; separate appropriation accounts on Treasury books.

2605.

Use of funds and personnel; savings provision.

(a) Use of funds.

(b) Savings provision.

(c) Use of personnel.

2606.

Audits of U.S. funds received by the United Nations High Commissioner for Refugees.

(a) Program audits.

(b) First program audit.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2275, 2318 of this title.

### § 2601. Refugees and migration

#### (a) United States membership in International Organization for Migration; contributions to Organization

The President is authorized to continue membership for the United States in the Inter-